## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

FELIPE AVILA-SEPULVEDA	]	
Petitioner	]	
	]	
V.	]	No. 3:04-1022
	]	Judge Campbell
UNITED STATES OF AMERICA	]	
Respondent.	]	

## ORDER

The Court has before it a *pro se* motion (Docket Entry No. 1) pursuant to 28 U.S.C. § 2255, the government's Response (Docket Entry No. 17) and the petitioner's Traverse and Objections to the Response (Docket Entry No. 28).

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which relief can be granted. Accordingly, his § 2255 motion is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules --- § 2255 Cases.

Should the petitioner file a timely Notice of Appeal, such Notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of a denial of a constitutional right.

It is so ORDERED.

Todol Campbell
Chief District Judge